

ER 5-9407

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AUG 21 1954

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Mr. Roger W. Jones
Bureau of the Budget
Washington 25, D. C.

Dear Mr. Jones:

Reference is made to your request dated August 13, 1954, for the views of this Agency on S. 2308, an enrolled bill to authorize and direct the investigation by the Attorney General of certain offenses.

This legislation presents a serious security problem for the Central Intelligence Agency, unless the interested Departments and Agencies are in complete agreement as to its interpretation and application. The problem arises from an apparent conflict in the assignment of responsibilities in the Executive Branch of the Government. S. 2308 assigns responsibility to the Attorney General for investigation of all violations of Title 18 U.S. Code, involving Government officers and employees, and requires report of any information, allegation, or complaint relating to such violations received by any Agency or Department to the Attorney General, unless he otherwise directs or unless the responsibility for investigation thereof is specifically otherwise assigned by law.

The Director of Central Intelligence is responsible, under Section 102(d)(3) of the National Security Act, for protecting intelligence sources and methods from unauthorized disclosure.

There is no objection to investigation by the Attorney General or the Federal Bureau of Investigation of violations of Title 18 by Central Intelligence Agency officers or employees where sensitive intelligence operations or information are not involved. However, where such a violation, or a complaint or allegation with respect thereto, arises in connection with highly confidential matters in the field of foreign intelligence, any investigation must be conducted in a manner which will not disrupt the activity or reveal confidential intelligence sources and methods. In our opinion,

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this requires that investigations of this nature must be conducted by or at the direction of the Director of Central Intelligence. This is not made clear in the enrolled bill before us, but we believe the intent of the Congress in this respect was made clear in Section 7 of the Central Intelligence Agency Act of 1949 (63 Stat. 208). This section states that in the interests of the security of the foreign intelligence activities of the United States and in order to implement the Director's statutory responsibility for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of any law which requires the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency.

We have, moreover, discussed this problem with the Attorney General's office, and it is our understanding that the Department of Justice is in agreement that where the violation or complaint involves confidential matters relating to foreign intelligence activities, the investigation thereof will be conducted by or at the direction of the Director of Central Intelligence, with such subsequent referral to or liaison with the Department of Justice as the results of his investigation may indicate. We are satisfied with this understanding and, based on it, we interpose no objection to the bill as now worded.

If our understanding is in any way in error, we would be compelled to object on the ground that any other interpretation would be adverse to the National interest. We are forwarding a copy of this letter to the Attorney General for his information.

Sincerely,

(S)

C. P. Cabell
Lieutenant General, USAF
Acting Director

cc: Inspector General
Director of Security
Deputy Director (Plans)

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The Honorable
The Attorney General
Department of Justice
Washington 25, D. C.

Dear Mr. Attorney General:

The Bureau of the Budget has requested our comments on S. 2308, an enrolled bill to authorize and direct investigation by the Attorney General of certain offenses, and for other purposes.

The problems that concern this Agency arising out of this bill have been discussed in various aspects with Mr. Rogers, of your office. A copy of our reply to the Bureau of the Budget is enclosed for your information. We believe it is consistent with the understandings informally discussed with Mr. Rogers.

If we have in any way misconstrued your position, we would appreciate being informed in this regard at your earliest convenience.

Sincerely,

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C. P. Cabell
Lieutenant General, USAF
Acting Director

Enclosure

cc: Inspector General
Director of Security
Deputy Director (Plans)

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